

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08	UNITED STATES OF AMERICA,	)	
09	Plaintiff,	)	Case No. CR00-55-MJP
10	v.	)	
11	MICHAEL JAMES ANDRUS,	)	SUMMARY REPORT OF U.S.
12	Defendant.	)	MAGISTRATE JUDGE AS TO
		)	ALLEGED VIOLATIONS
		)	OF SUPERVISED RELEASE

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An evidentiary hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on March 12, 2010. The United States was represented by Assistant United States Attorney Jeff Backhus, and the defendant by Jay Stansell. The proceedings were digitally recorded.

The defendant had been charged and convicted of Theft and Receipt of Stolen Mail, in violation of 18 U.S.C. § 1708. On or about June 7, 2000, defendant was sentenced by the Honorable Marsha J. Pechman to a term of fourteen (14) months and twenty-four (24) days in custody, to be followed by three (3) years of supervised release. Defendant's supervised release was revoked on November 18, 2003, September 15, 2004 and August 15, 2006.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, substance abuse and mental health programs, financial disclosure, search, and no identification in name other than his true legal

01 name.

02 In a Petition for Warrant or Summons, March 9, 2007, U.S. Probation Officer Brian  
03 H. Rogers asserted the following violations by defendant of the conditions of his supervised  
04 release:

- 05 (1) Failing to satisfactorily participate in a residential reentry center (RRC) on  
06 March 6, 2007, in violation of the special condition that he reside in a RRC for  
07 up to 180 days.
- 08 (2) Failing to enter the Washington State DOSA Program on March 6, 2007, in  
09 violation of the special condition that he enter the Washington State DOSA  
10 Program as soon as a bed is available.
- 11 (3) Using cocaine on or about March 1, 2007, in violation of standard condition  
12 number 7 and the mandatory condition that he refrain from any unlawful use  
13 of a controlled substance.
- 14 (4) Using amphetamine and methamphetamine on or about March 1, 2007, in  
15 violation of standard condition number 7 and the mandatory condition that he  
16 refrain from any unlawful use of a controlled substance.

17 In a Supplemental Violation Report dated April 10, 2007, U.S. Probation Officer  
18 Brian H. Rogers asserted the following supplemental violations by defendant of the  
19 conditions of his supervised release:

- 20 (5) Committing the crime of Theft, First degree, in violation of RCW  
21 9A.56.030(1)(a) and RCW 9A.56.020(a), a Class B felony, on March 5, 2007,  
22 in violation of the general condition that he not commit another federal, state,  
23 or local crime.
- 24 (6) Committing the crime of Theft, First degree, in violation of RCW  
25 9A.56.030(1)(a) and RCW 9A.56.020(1)(a), a Class B felony, on March 7,  
26 2007, in violation of the general condition that he not commit another federal,

01 state, or local crime.


02 (7) Committing the crime of Possessing Stolen Property, First degree, in violation  
03 of RCW 9A.56.150 and RCW 9A.56.140(a), a Class B felony on March 7,  
04 2007, in violation of the general condition that he not commit another federal,  
05 state, or local crime.

06 On March 4, 2010, defendant made his initial appearance. The defendant was advised  
07 of the allegations and advised of his rights. On March 12, 2010, defendant appeared for an  
08 evidentiary hearing on the alleged violations. Defendant admitted to violations 1, 2, 3, 4, 5, 6  
09 and 7.

10 I therefore recommend that the Court find the defendant to have violated the terms  
11 and conditions of his supervised release as to violations numbers 1, 2, 3, 4, 5, 6 and 7, and  
12 that the Court conduct a hearing limited to disposition. A disposition hearing on these  
13 violations has been set before the Honorable Marsha J. Pechman on March 18, 2010 at 1:30  
14 p.m.

15 Pending a final determination by the Court, the defendant has been detained.

16 DATED this 12th day of March, 2010.

17   
18 JAMES P. DONOHUE  
19 United States Magistrate Judge

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21 cc: District Judge: Honorable Marsha J. Pechman  
22 AUSA: Mr. Jeff Backhus  
23 Defendant's attorney: Mr. Jay Stansell  
24 Probation officer: Mr. Brian H. Rogers  
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